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Election  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 2823  
Examiner: Suk San Foong

In re PATENT APPLICATION OF:

Applicant(s) : Sachiko ONOZAWA )  
Serial No. : 09/726,054 )  
Filed : November 30, 2000 )  
For : METHOD OF )  
FABRICATING )  
SEMICONDUCTOR DEVICE )  
Original Atty Ref.: 32305-168070 )  
New Attorney Ref. :TAI 139 )

**RESPONSE TO  
ELECTION OF SPECIES**

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Commissioner of Patents  
Washington, D.C. 20231

Sir:

Responsive to the Election Requirement dated January 8, 2003, applicant provisionally elects the embodiment of Figure 1 for examination. Claims 1 - 3 and 12 - 14 read on the elected specie. Claims 12 - 14 are generic to all of the species. The election is made with traverse.

The Examiner's attention is respectfully directed to MPEP § 803, which specifically states that if the search and examination of the entire application can be made without serious burden, the Examiner must examine the entire application on the merits, even though it includes claims to independent or distinct inventions. It is submitted that examination of the entire application would not constitute a serious burden on the part of the

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Examiner, since the Examiner should search the subject matter of the claims directed to species 2<sup>nd</sup>, and 3<sup>rd</sup> in connection with the claims of specie 1<sup>st</sup>. That is, there is overlap between the claims directed to species 1<sup>st</sup> and the other species. Thus, in order to examine the elected claims completely, the Examiner should search the subject matter of claims 1-14. It is thus requested that the Examiner examine all of the claims pending in the application.

It is further noted that the Examiner identified only three species, 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup>. However, the species so identified do not take into consideration a fourth embodiment of the invention illustrated in Fig. 10 and described beginning at page 36 of the specification, upon which claims 10-14 read. Claims 10 and 11 read upon this fourth embodiment, but none of the first, second and third embodiments, and none of the nongeneric claims 1-9 read upon the fourth embodiment. The election requirement is incomplete, and, should the Examiner uphold the requirement, the Examiner is requested to complete it.

Applicant maintains the right to filing divisional applications with regard to the non-elected species if the election requirement is upheld in whole or in part.

Examination of the application on the merits is respectfully requested.

February 5, 2003  
Date

SMR:pjl

RESPONSE TO ELECTION  
OF SPECIES

Respectfully submitted,



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(09/726,054)